

History of Japanese Industrial Property System

Japan Patent Office
Asia-Pacific Industrial Property Center. JIII

©2005

Collaborator : Ken-ichi KUMAGAI
Professor, Intellectual Property Law,
Kyushu University, Graduate School of Law

Contents

	Page
I. Patent System.....	1
1. Prologue	1
2. Government Policy in Edo Period (1603 to 1867)	1
3. Establishment of a Patent System in the Meiji Era (1868 to 1912) ..	2
4. Revision of Patent Law in 1921 – Modernization of the Patent System.....	7
5. Adoption of Current Patent Law and Its Revisions To Date.....	8
II. Design System.....	25
1. Adoption of Design Ordinance in 1889	25
2. Revision of Design Law in 1899.....	26
3. Revision of Design Law in 1909.....	27
4. Revision of Design Law in 1921.....	27
5. Revision of Design Law in 1959.....	28
6. Revision of Design Law in 1998.....	30
III. Trademark System	31
1. Adoption of Trademark Ordinance in 1884	31
2. Revision of Trademark Law in 1888	31
3. Revision of Trademark Law in 1909	32
4. Revision of Trademark Law in 1921	32
5. Revision of Trademark Law in 1959	33
6. Revision of Trademark Law in 1975	34

7. Revision of Trademark Law in 1991	34
8. Revision of Trademark Law in 1996	35
9. Revision of Trademark Law in 1999	38
10. Revision of Trademark Law in 2002	38

IV. The Origin of Patent Systems and Characteristic Patent Laws

in the World	39
1. The Origin of Patent Systems	39
2. England	39
3. France	43
4. The United States of America	45
5. The Federal Republic of Germany	46
6. The Russian Federation (the former U.S.S.R.)	48
7. People's Republic of China	52

APPENDIX

Brief History of Industrial Property System

and Typical Invention	55
-----------------------------	----

I. Patent System

1. Prologue

The patent system as it is today is based on a patent ordinance adopted in England in 1624. Before this ordinance was adopted, England had industrially lagged far behind other European countries. For this reason, the Queen of England, hoping to make a breakthrough, then called on and protected engineers from abroad while granting them certification of patents as a means to promote England's industrial development.

Later industrial development in England is explainable as history shows. By introducing and assimilating foreign technologies, England explored its way into development of its own technologies. Technological development advanced quickly, as represented by the invention of a steam locomotive by James Watts, and it was not long before England witnessed what is now called the Industrial Revolution in the 1760s. This Industrial Revolution spread through the European countries and North America, giving birth to industrial countries.

Late in the 19th century, roughly 100 years after the Industrial Revolution, Japan began its own industrial modernization based on technologies introduced from the United States and European countries, which led to its economic development.

The patent system, playing an important role in developing Japanese economy and industry, serves even today as a basis for supporting industrialized society.

2. Government Policy in Edo Period (1603 to 1867)

Over a period of roughly two centuries from 1603 to 1867, the Tokugawa Shogunate held centralized political power. Partly to prevent the spread of the Christianity, which was seen as thinking which dangerously threatened the feudal system, the government completely prohibited any direct relationship with the outside world and imposed a seclusion policy.

Seclusion was also designed to prevent the daimyo clans and traders from strengthening their power through commerce with foreign entities. The seclusion

policy adopted by the Edo Shogunate government completely isolated Japan, as well as its economy and technology from the outside world. Relations with any place or person from across the sea were completely shut out. Over the 250 years that followed the adoption of this seclusion policy, Japan was left without any gains in technological development via the Industrial Revolution started in the late-18th century in England.

Furthermore, the Edo Shogunate government had gone so far as to prohibit the manufacture of new products based on new technologies in Japan. Like this, Japan was forced to lag behind the United States and Europe in technical fields over the 17th and 18th centuries.

Modernization, as it built in the United States and Europe, started to strongly impact Japan, forcing the Edo Shogunate to keep its seclusion policy. However, under strong pressure asserted by each of the major world powers - the United States, Britain and France, Japan was forced to open its borders for international commerce in 1858.

As a result, the Edo Shogunate collapsed, replaced by a new government which ushered in a new era called the “Meiji” period in 1868.

3. Establishment of a Patent System in the Meiji Era (1868 to 1912)

(1) Initial Trial and Errors– Patent Regulations

The political system in Japan had remarkably renovated itself under the Meiji government which well recognized the important role which the patent system could play in achieving industrial development. In order for the Meiji government to make successful policy, and catch up with industrially developed countries, the establishment of a patent system was essential.

In Japan at that time, Yukichi Fukuzawa was the first Japanese person to introduce western patent systems. Yukichi Fukuzawa, self-taught in English, was dispatched as part of numerous Japanese delegations to western nations and each time brought back various aspects of western culture. He also played a role in establishing an educational system in Japan capable of developing the

human resources necessary for modernization in Japan.

It is worthy noting that the person who introduced the patent system to Japan was deeply involved in the establishment of a Japanese education system which could support a patent system. There were many people who followed in his footsteps and made efforts to ensure that the impact a patent system could have on national economic and technological development would be widely recognized by all.

The Meiji government's action was quick. In 1871, only three years after the Meiji Restoration of Imperial Power in 1868, the "Exclusive Rights Law" based on the examination and first-to-file principles were adopted. This rapid attempt at establishing a patent system ended in failure due to the lack of sufficient preparation. It was not possible that the mere adoption of a law could make an entire patent system work in the absence of a basis for its operation. Although the employment of the examination principles and the granting of patent rights were regulated, there was no government office to accept patent applications. Nor were there any officials meant to handle patent applications. The invention-promotion system adopted by the Meiji government, which represented a complete departure from policies of the Tokugawa Shogunate, was hardly accepted among the Japanese people.

The number of patent applications that was filed under that patent system is not clear. With operational and procedural problems remaining unresolved, however, the law was abolished in 1872, only one year after its adoption. In the Meiji government, there were people who insisted that an inventor should not be entitled to special privileges, ie. patents, and a reward should be sufficient.

In the absence of a patent system, technology transfers from the United States and advanced countries in Europe were extremely difficult and so was the development of domestic industry. Because of Japan's lack of a patent system after the abolishment of its previous one, a variety of inconveniences lead to situations where inventions were widely imitated and misappropriated without

any apparent sense of guilt.

For example, one Japanese individual invented a spinner which was highly appreciated and won an award for most excellent invention at the first international exposition held in 1877. Because of this, however, his invention was imitated by many other people, who then profited without distributing gains to the inventor. He could not recover the huge amount of money that he had invested in the development of the invention and suffered large debts.

In another case of a similar nature, an inventor of a home-use straw floor mat with a beautiful pattern knitted in sold it both in Japan and as export overseas. He made great efforts to prevent his invention from being imitated, and in order to keep his manufacturing technology a secret, he allowed only relatives and deaf persons to engage in the manufacture of his floor mats. At the request of a governor in his prefecture, however, he made his floor mat manufactured at a prison.

Efforts made by inventors like this and the loss of profits suffered by them were beyond our imagination, with only a few kept on record. Thus, the need to establish patent law grew while voices calling for the establishment of a patent system were rising high.

(2) Establishment of the First Patent System in Japan – Enforcement of Patent Ordinance

After thorough preparations initiated by the government led by Prime Minister Korekiyo Takahashi a patent ordinance, in fact the first substantial legislation of its kind in Japan, was promulgated on April 18, 1885. What would lead to Japanese patent law was promulgated before the promulgation of the Code of Civil Procedure. This day is now designated and celebrated as the day of invention. Korekiyo Takahashi, serving as the first director of the patent bureau himself, was actively improving and reinforcing the Japanese patent system.

The patent bureau was installed at the Agriculture and Commerce Ministry in

1886 and composed of a director, three judges, an examiner and an assistant examiner. Later in 1899, the staff of the patent bureau expanded to five judges, 15 examiners and 20 assistant examiners.

The patent ordinance was patterned after U.S. and French patent laws. The obligation to expressly indicate a patent right followed its equivalent in the U.S. patent law, and the choice of a patent term as from five or 10 years to the maximum of 15 years as well as the invalidation of a patent right due to non-use were both adopted from French patent law.

The patent ordinance is regarded as the first Japanese patent law. Incidentally, trademark law was promulgated in 1884, a year earlier. It was later in 1889 that a design law was promulgated.

As its main features, the patent ordinance ① adopted the principle of examination, ② called for a material invention to be novel and useful (though inventions contrary to public order or relating to medicines and drugs were not patentable), ③ recognized additional patents and ④ set forth the principle of one invention-per- application.

The patent ordinance was revised in 1888 to incorporate the first-to-invent principle.

The number of patent applications filed in 1885, when the patent ordinance was promulgated and put into force, was only 425. But, patent applications later more than doubled to 906 in 1887 and reached 1,515 in 1899.

(3) Revisions of the Patent Ordinance

From 1885 to 1911 the foundation for the Japanese patent system was completed within the framework of Japanese patent law following the start of numerous patent systems overseas.

For example, the patent ordinance in its original form did not specifically include provisions to eliminate foreigners. In reality, however, foreigners could not file a patent application with the Japanese patent office, which gave rise to complaints from many countries. Domestically, voices were rising, calling for

the grant of patent rights to foreigners as a measure to incorporate advanced overseas technology and promote Japanese industry. On the other hand, there remained some people who were concerned about the possibility of patent rights granted too abundantly to foreigners hampering the development of Japanese industry.

Immediately before the collapse of the Tokugata Shogunate, Japan was forced to conclude unequal treaties with the then-strong United States, England and France. Thereby, these countries were granted extraterritoriality, and Japan remained deprived of its own tariff levying rights. It was a long-pending issue to revise these unequal treaties. In 1854, a commerce and navigation treaty was concluded with England, at last paving the way for patent applications by foreigners. The number of patent applications filed by foreigners for the first time totaled 60 that year. In 1853, the Paris Convention for the Protection of Industrial Property was concluded and called for members of its union to grant patents to the nationals of its member states. Japan became party to the Paris Convention in 1868 and incorporated a patent law revision allowing the grant of patents to foreigners. Against this, the number of patent applications filed by foreigners reached 779 in 1897. This figure clearly indicates that the reliability of the Japanese patent system served to promote technology transfers from overseas. If foreigners were not granted adequate protection under the Japanese patent law, no industrial country would be willing to transfer its advanced technology to Japan. In this respect, the patent system is one basic national system.

Among other things, the 1868 revision of Patent Law: ① recognized rights of non-residents (with an obligation to designate an agent residing in Japan), ② incorporated priority claim provisions and ③ set forth provisions for the protection of inventions exhibited at an international exhibitions, etc.

In another related development, voices were rising calling for the protection of “new and useful devices” somewhere between a patent and a design. This led to the adoption of utility model law applicable to “useful and new devices

relating to the shape, construction or combination of industrial articles.”

Since the 1899 revision to Patent Law was more of an emergency measure allowing Japan to join the Paris Convention, patent law was again revised in 1909 because of the necessity to further improve it and cope with problems arising from industrial development that followed the Russo-Japanese War.

The 1909 patent law revision included: ① newly incorporated provisions for an employee inventions, ② express definitions of public knowledge and public use at home and abroad as criteria for the judgement of novelty and ③ corrected problematic aspects of the first-to-invent principle to grant a patent, in the presence of more than a single patent application with the dates of their inventions unclear, to the first-filed patent application.

4. Revision of Patent Law in 1921 – Modernization of the Patent System

Through the First World War, government and industry alike became increasingly aware of the necessity of developing their own technology. This led to the promotion of scientific technology. Coupled with incentives to invent, government policy emphasized the promotion of scientific technology yet needed to balance the protection received by an inventor and the stability of patent rights with the interests of third parties and adopting measures to handle rights provided to foreigners.

Along with this development, industrial property-related organizations such as the Imperial Institute of Invention and Innovation and the Association of Patent Attorneys expanded their activities to study the intellectual property system and its operations, and push forward with their requests and proposals. The number of patent applications increased, reaching 12,026 in 1910, which was about twice as much as the 6,210 received in 1909. This required some measures to be taken.

The Patent Law of 1921 with revisions adopted against this background constituted a basis for later Japanese Patent Law.

As its main features, the Patent Law of 1921:

- ① adopted the first-to-file principle,
- ② incorporated a provision for compulsory licensing,
- ③ adopted a system for the notification of reasons for refusal,
- ④ adopted a publication system and an opposition system, and
- ⑤ provided for the following with respect to an employee invention:
 - a. that the right to obtain a patent fundamentally belongs to the inventor (an employee),
 - b. that the employer of the party that obtains a patent is entitled to a right to its use, and
 - c. that any employee conceding the right to a patent to assignment or succession to an employer is entitled to receive compensation.

In 1941 when World War II came to an end, the number of patent applications filed in Japan reached 19,997, representing more than a 50-fold increase over the past 50 years from 1885 when the patent system was first founded.

5. Adoption of Current Patent Law and Its Revisions To Date

(1) Revision of Patent Law in 1959

In post-war Japan, a society of high economic growth developed along with industry, particularly in the manufacturing sector, and changing in quality. It was a time when the number of patent applications resulting from active industrial investment in research and development was increasing, which caused a variety of apparent problems, such as late examination.

Despite this change, the four industrial property-related laws remained unchanged until the end of the war after their thorough revisions in 1921. Therefore, these laws had some provisions no longer effective in handling real issues and unable to catch up with the country's rapid progression in economic and industrial development in the post-war years.

In 1950, the Ministry of International Trade and Industry installed a "Council for Study of Industrial Property System Revision" (presently, the Industrial Property System Study Council) which studied legal revisions so as to cope with

needs arising in light of overseas patent systems. At a meeting in 1956, the council adopted a recommended revision which was submitted to the Minister of International Trade and Industry. Based on this recommendation, a bill for revising Patent Law and other industrial property-related laws was worked out and presented to the Diet in session, which passed it into law in 1959.

The thorough revisions included in Patent Law in 1959 incorporated the following.

- ① A patentable invention was changed from an “industrial invention” to an “industrially-applicable invention.
- ② Overseas publications were included in the criteria for the judgement of novelty.
- ③ A provision concerning inventive step was included.
- ④ A substance manufactured through nuclear transformation was included in unpatentable items.
- ⑤ It was made possible to file a patent application covering more than one single invention.
- ⑥ Publications and disclosures at academic meetings were included in cases where exceptions to the loss of novelty are applicable.

(2) Revision of Patent Law in 1970

To fully achieve the objective of the industrial property system, the Minister of International Trade and Industry asked the Industry Property System Study Council in November 1967 to study and recommend revisions to industrial property-related laws in line with situational changes both at home and abroad as well as the needs of the Japanese economy.

This move by the government arose as the development of technology, itself increasingly gaining speed, became an extremely important issue for Japan and its recently liberalized economy. Under that situation, patent applications, while their number was expected to rapidly increase, were thought to become more complicated and sophisticated in content. In light of this, it was apparent

that invention sought to be granted adequate and speedy protection under the industrial property system for the benefit of the national economy. However, the Japanese Patent Office was not in a position to process patent applications, or catch up with their increase.

In other countries, situations similar to this were not unusual. All countries were revising or leaning towards revising their industrial property systems so as to match the needs arising in the dawn of a new era.

Japan was also in a position to study the its own industrial property system from the bottom up.

With this as its background, Patent Law was revised in 1970, incorporating the following changes:

① Adoption of the Disclosure System for Applications

This system called for patent applications to be published 18 months after their filing date, in the case that they should not already be, making their contents available to third parties. Patent applications disclosed under this system were to be printed in the Patent Gazette in full text.

② Adoption of the Examination Demand System

Under this system, patent applications were to be examined only upon demand for their examination made by applicants or a third party. The time limit for examination demand was set at seven years. In the case where an examination demand was not filed during this period, a patent application was deemed to have been withdrawn.

③ Adoption of the Pre-Trial Examination System

In cases where paperwork demanding a trial for ruling on a refusal and/or correction to a specification or drawings was filed within 30 days, an examiner would review the request before the trial.

④ Limitations on Time Limits for Correction, Divided Applications and Conversion of Applications

It was made possible, in principle, to make corrections at any time while a

patent application is pending.

⑤ Reinforcement of Rights under Provisional Protection

The right to provisional protection for disclosed patent applications were reinforced and demands for an injunction and the return of illegally-gained profits or damages were reinforced.

(3) Revision of Patent Law in 1975

Along with the active development of Japan's political, economic, cultural and other interchanges with overseas countries, the country's industrial property system had come to be internationally harmonized. With consideration to this as a major aim, the patent law was revised in 1975.

A major point of the 1970 Patent Law revision was the adoption of systems for substance patents and multi-claim applications .

Concerning substance patents, a recommendation was adopted at the Lisbon Meeting to study the revision of the Paris Convention stating that member states of the convention would look into the possibility of protecting new patented chemical substances, irrespective of manufacturing method. Among advanced countries, many come to adopt this substance patent system. There were also increasing private companies favoring the introduction of the substance patent system.

In the revision of the Patent Law in 1975, "an invention relating to foodstuffs or table luxuries," "an invention for manufacturing drugs with the use of a single medicine or a combination of more than one single medicine" and "an invention for manufacturing a substance through chemical processing" were deleted from unpatentable items. Thus, inventions falling into these categories were made patentable.

In the past, Japan had strictly kept to its single-claim application system. However, it had become normal in many countries, including the United States and European countries, to accept a plurality of claims in a single application to the extent where there was no longer any room left for a single-claim application.

As shown by the conclusion of the Patent Cooperation Treaty (PCT), etc., a move to harmonize and unify widely-diversifying national industrial property systems was born. In order to ratify the PCT, Japan was forced to adopt this multi-claim application system to secure the international recognition of its industrial property system.

In the revision of the Patent Law in 1975, therefore, requirements for describing an invention in a claim were revised, making it possible to, in addition to matters indispensable for the composition of an invention, incorporate its other preferred embodiments.

(4) Revision of Patent Law in 1978

The Patent Cooperation Treaty (PCT) was signed in 1970 in Washington by 20 countries, including Japan, and went into force on January 24, 1978. In order for Japan to join the PCT, it was necessary to introduce a multi-claim patent application system. Therefore, Patent Law was revised, incorporating a multi-claim application system as the first of a number of measures to make various domestic laws and regulations comply with the PCT.

Together with the revision of the Patent Law in 1978, the Law Concerning the International Application of the Patent Cooperation Treaty and Related Matters was adopted. Following the ratification of the PCT, it was adopted to enforce the treaty in Japan. Specifically, it ① provided that Japanese or foreign citizens residing in Japan were allowed to submit their international applications in the Japanese language to the Japanese Patent Office and ② set forth procedures between the Japanese Patent Office and the applicant in a case where the Japanese Patent Office acted as a receiving office, an international search organization and an international preliminary examination authority.

As the PCT recognizes that a single international application takes effect as an application filed in more than the one country designated, the filing of an international application in Japanese with the Japanese Patent Office can be regarded the same as if it had been filed in the plural number of countries

designated. Once filed, an international application is subject to an advance search (international search) with respect to whether it is a novel invention or not. The result of this search is to be sent to the applicant and, at the same time, utilized by each designated country for individual examination. The result of this search, called an international search report, is internationally published by the International Bureau together with the contents of the international application concerned. Based on demands made by the applicant, furthermore, a preliminary examination (an international preliminary examination) is conducted with respect to the novelty, inventiveness and industrial applicability of an invention covered by the international application.

Each country's domestic examination is conducted based on a translation of application documents which need to be filed within 20 months from the initial filing date of an application (within 25 months in the case a demand for preliminary examination is made before the expiration of 19 months from the application's filing date, which has now been extended to 30 months in a decision made at the Eleventh PCT General Assembly Meeting (held in February 1984)).

In order to match the Law Concerning the International Application of the Patent Cooperation Treaty, the 1978 revision of Patent Law incorporated provisions to link international applications to domestic procedures. Specifically, the revised law stipulated that ① an international application including Japan in its designated countries is deemed to be a regular domestic Japanese application and ② an applicant is required to submit a translation of the international application, in principle, within 20 months.

(5) Revision of Patent Law in 1985

In view of a need to revise the Patent Law as revised in 1978 so as to comply with the revision of the PCT, as well as a necessity for establishing an internal priority system, Patent Law was revised again in 1985.

Before this revision, technological achievements made after the filing of a

patent application for the fundamental basic invention that had been covered by another patent application or an amendment to get all of them comprehensively protected. If an amendment is judged, as was often the case, to alter the gist of an original application, the date of an application comprehensively covering the original basic invention and consequent technical achievements was brought forward to the date of the amendment. This was considered disadvantageous for those wishing to obtain adequate protection and gave rise to calls for the establishment of a system allowing patent applications comprehensively covering a series of inventions to be submitted in order to match rapid technological development in recent years.

The Japanese patent system before this revision did not allow international applications claiming priority based on an earlier-filed domestic applications under the PCT to designate Japan (self-designation), another stumbling block to the promotion of the use of the PCT system.

Because of the above problems, revisions to Patent Law in 1985 introduced an internal priority system for use with patent applications in order to more effectively handle rapidly-progressing technological developments and abolished the system for filing a new application after an amendment is declined and filing an additional patent application.

As another measure to promote the use of the international patent application system, a new system was adopted to allow international applications to be subject to an international searches conducted by an international search organizations other than the Japanese Patent Office.

(6) Revision of Patent Law in 1987

Reflecting remarkable and rapid progress in the development of technology in recent years, patent applications have become complicated and sophisticated in content. In order to fully protect the benefits of such technological development, the need for unequivocal and full protection of patent rights has been growing. At the same time, it has become necessary to grant a rational

scope to rights with consideration given to convenience for applicants and the efficient examination without having applications divided into unnecessarily narrow fields.

At a time when international competition centering on advanced technology had become more intense among advanced countries and international interchanges were more rapidly expanding, various moves were made in Japan to improve its systematic harmonization with other countries in the field of industrial property. This was to provide a basis for trade and the flow of capital as well as technology interchange. Under this situation, it had become necessary to review and constructively improve provisions concerning time limits for patent-related procedures from an international viewpoint.

In specific fields, and the pharmaceutical field in particular, adequate measures were needed to resolve the problem that the long period of time required for experiments and examination to obtain a permission or approval as required by the government, profits ought to be gained during a certain period of time, the very basis for the protection of an invention under Patent Law.

To cope with all these problems, the Patent Law was revised in 1987, with the following incorporated.

① Improvement of the Multi-Claim System

a. Improvement of Requirements for Descriptions in Claims

It was stipulated that the scope of a claim describes (claims) the invention in the detailed description of the invention with respect to the matter which the applicant seeks to receive a patent for. A system allowing embodiments dependent on essential matters was abolished.

b. Expansion of the Scope of the Unity of Invention

It was made possible to handle applications including those covering more than a single invention with a high degree of technological relationship between them as a single application.

c. Abolition of Systems Allowing Applications Covering More Than A

Single Invention

② Internationalization and International Harmonization of Systems, Including the Adoption of Flexibility to Time Limits

a. Extension of Time Limits for the Submission of Priority Documents

A time limit for furnishing priority documents set at three months from the date of an application concerned was extended to 16 months.

b. Extension of the Opposition Period

An opposition period was extended from within two months to within three months.

c. Abolition of the Period of Exclusion Applicable to Foreign Publications on Trial for Invalidation

A five-year period of exclusion applicable to foreign publications as applicable to a trial for the invalidation of a patent was abolished.

d. Rescission of Right Reserved Based on Article 64(2)(a) of the Patent Cooperation Treaty

③ Restoration of Patent Right Not Exercised with Respect to Pharmaceutical Products

It was stipulated that patent rights concerning pharmaceutical products subject to approval under Pharmaceutical Law can be restored for a period of two years to five years, depending on the scope and term under which that right may not be exercised due to the provisions of law.

④ Adoption of Flexibility to Time Limits to Withdraw Demands for a Trial

It was made possible to withdraw a demand for a trial up until a trial decision is made.

(7) Revision of Patent Law in 1990

Along with progress made, from conceptualization to fruition of, in a paperless plan to electronically process all documents, the Law Concerning the Special Provisions to the Procedures Relating to An Industrial Property Right (Special Provisions) was adopted in 1990 to handle electronic applications.

A host computer was installed at the Patent Office in 1964 to start automatic processing of application-handling jobs and the scope of automated business handling had expanded. Based on the result of automated application processing, a scheme was started in 1984 to establish a comprehensive paperless system the whole area of patent-related business, followed by preparations for its realization.

The paperless system is designed to store all documents handled at the Patent Office in electronic form and set up a database, based on which all kinds of business are electronically handled, covering applications, formality examination, demands for inspection, substantive examination, trials, publication of gazettes, etc. The development of this paperless system that had followed made possible the electronic filing of an application from an applicant's computer terminal, etc. to the Patent Office.

The Special Provisions made possible: ① the introduction of procedures, etc. through an electronic information processing organization, ② the publication of official gazettes in the form of a magnetic disk, ③ the introduction of a handling fee deposit system, and ④ reliance on organizations designated to, among other things, process information.

(8) Revision of Patent Law in 1993

With increasing need for the speedy protection of the results of research and development along with recent technological developments in Japan, and the globalization of industrial and economic activities advancing, Patent Law was revised in 1993.

Unlike in other countries, it was possible to make an amendment relatively wide in scope in Japan. This used to be a source of problems, such as the inevitability of an examination conducted anew every time when an amendment was filed, which, in turn, delayed the grant of a patent right, and the lack of equality in handling applications where amendments had been filed many times. The trial system in Japan, meanwhile, was complicated, not allowing an efficient

examination. With all this taken into account, the range of an amendment was adequately limited and trial-related procedures simplified in order to ensure the harmonization of the Japanese system, as well as speedy and adequate examinations and trials.

(9) Revision of Patent Law in 1994

Japan had been working through negotiations on the WTO-TRIPS Agreement and WIPO to harmonize its industrial property system with those in other countries. With the TRIPS negotiations reaching an agreement in December 1993, an agreement was made between the Japanese Patent Office and the U.S. Trademark and Patent Office. Japan had agreed to take measures to accept patent applications in English and shift to a post-grant opposition system and the United States agreed to make the term of a patent right adequate in length and introduce an early application disclosure system.

The revision of the Patent Law in 1994 was designed to actively cope with international harmonization of individual industrial property systems varying from one country to another and to improve industrial environments for creative business activities.

Specifically, the revision of Patent Law in 1994 incorporated the following:

① Revision to Comply with TRIPS Agreement

a. Term of Patent

The term of a patent was revised to be 20 years from the date of an application.

b. Subject of Patent

An invention for a substance manufactured through a nuclear transformation was deleted from unpatentable items.

c. Effects of Patent Right

The phrase “offering for assignment or lease” was added as an act of working a product or process invention as well as for manufacturing a

product.

d. Non-Exclusive License Granted by Arbitration

It was stipulated that a non-exclusive license granted by an arbitration may be transferred if so done by the business working the patent right concerned and the arbitration decision granting that exclusive license may be revoked on the grounds that that it has ceased to exist, or it has become adequate to maintain that arbitration decision.

e. It was made possible to claim priority for an application filed from a member state of the WTO following the Paris Convention. It was also made possible for a member of the Union under the Paris Convention to claim priority to an application from a country which is not a member state of the WTO but designated by the Commissioner of the Patent Office following the Paris Convention.

② Introduction of the Foreign-Language File Application System

In the past, Japan did not allow the addition of new matters not described in a specification or drawings first attached to the original request, through amendment, after an application was filed. In the case a patent application was filed immediately before the lapse of a priority period, a translation needed to be prepared within a limited period of time. In the case where a mistranslation was made while translating an application from its original language into Japanese, corrections to the mistranslation were not admitted based on the description in the original language, often making it impossible to provide the invention adequate protection. In light of this, it Japan and the United States agreed to admit patent applications in English and, to implement this agreement, a revision was made to the Patent Law in 1994.

③ Restoration of Patent Right

It was stipulated that the owner of a patent right invalidated due to a failure to pay the annual patent fee within the designated time limit for reasons beyond control can demand the restoration of the invalidated patent right by paying the due sum within 14 days (two months in the case of a

non-resident) after the expiration of the time limit for the prescribed delayed payment. The effects of the restored patent right are defined as not being applicable to acts taken before the restoration of the original patent right.

④ Rescission of Reservation of Compliance with PCT Articles

The International Application Law and the Patent Law was revised to comply with Rules of the PCT out of PCT Rules revised at the PCT General Assembly in 1991, but Japan reserved its compliance (Rules (20.4(c), 26.3^{ter}(a), 49.5(c^{bis}) and 76.5(iv)).

⑤ Review of Requirements for Description in Specifications

As inventions and technologies eligible to patent protection had become diversified in content with recent developments in technological renovation, cases where requirements for specification descriptions as determined by conventional provisions of the Patent Law were no longer sufficient for adequately disclosing the contents of the described inventions. The conventional requirements for descriptions in specifications, because of their difference from those legally stipulated in the United States and European countries and those regulated in the WTO-TRIPS Agreement as well as the draft WIPO Harmonization Treaty, needed to be reviewed to promote the international harmonization of the Japanese patent system.

Therefore, Patent Law was revised in 1994 to allow the requirements for the description of an invention to match the progressing diversification of inventions and technologies and make them internationally compatible.

⑥ Consideration Given to the Detailed Explanation of Inventions for the Sake of a Claim's Interpretation

It was stipulated that terms described in a claim needed to be interpreted with consideration to the description and drawings outside of the claim of a specification attached to the request.

⑦ Post-Grant Opposition System for Patents

Based on a recommendation by the Industrial Property Study Council of a post-grant opposition system in 1992, the patent publication and pre-grant

opposition system for patents were abolished, replaced by the post-grant patent opposition system.

(10) Revision of Patent Law in 1998

As a re-evaluation of criminal charges and civil relief in regard to patent infringement, Patent Law was revised in 1998 so as to: 1) facilitate verification of lost earnings, 2) authorize appropriate sums for exploitation fees in consideration of definite circumstances, 3) make patent infringement a crime no longer requiring the filing of a complaint for prosecution, and 4) impose greater corporate criminal infringement liability.

At the same time, additional revisions were carried out in regard to: 1) the elimination of the name for a patent from entries in the application form, 2) the re-evaluation of procedures for determining rejection of an application based on subsequent or prior submissions, 3) data exchange with other national patent offices regarding priority claims, 4) a reduction in patent fees and a system allowing for fees and handling costs to be shared by both public and private entities, 5) the acceleration of invalidation trial deliberations (a limit to possible supplementary reasons provided within invalidation trials), 6) re-stating guidelines to acceptable validation requirements (establishing limits to the terms and items subject to inspection when evaluations are carried out prior to publication, re-statement of conditions for inspection limitations incl. for the protection of trade secrets and private information), and 7) adjustments to special laws (ie. re-statement of procedures for magnetic disks incl. the acceleration of on-line procedural processes, designs, trademarks, the establishment of paperless systems for international and examination applications, and the addition of investigative work within designated examination authorities.

(11) Revision of Patent Law in 1999

In 1999 Japanese Patent Law was revised so as to guarantee prompt accession to patent rights while effecting wide, strong, and fast means to relief along with a more suitable environment for accelerating intellectual creativity. Revisions to the law included: 1) curtailment of the period for examination requests, 2) re-statement of demands for corrections, 3) establishment of a clerk system for trial deliberations, 4) expansion of means for relief in the case of patent infringement, 5) facilitation of confirmation of patent infringement (facilitation of evidencing damages incl. the establishment of an appraiser system, facilitation of evidencing the amount of damages, fortification of determination systems, and fortification of punishment codes) , 6) re-statement of extension procedures for the continuation of a patent, 7) system for early publication of a filed application, 8) the exchange of information relating to patent infringement cases between courts and the Patent Office, 9) an expansion of defined causes for the destruction of novelty (ie. information published on the internet), 10) expansion of applicable subjects to exceptional conditions to loss of novelty (ie. information published on the internet), 11) simplification of procedures for division or converted applications, and 12) the reduction of patent fees.

(12) Revision of Patent Law in 2002

In 2002 Japanese Patent Law was revised so as to build a patent system capable of reflecting a more networked society by establishing codes incorporating the characteristics of cyber space and promoting means to speedier and more precise examination as well as international harmony. Revisions to the law included: 1) clarification of what patent exploitation consists of, 2) expansion of the terms of indirect infringement, 3) separation of the domains of written description and claims, 4) an extension of the term applied for domestic application of the Patent Cooperation Treaty, 5) insertion of a system for the disclosure of prior art documentation, and 6) a recall of the

reservations to Patent Cooperation Treaty regulations.

(13) Revision of Patent Law in 2003

In 2003 Japanese Patent Law was revised so as to account for the growing need to fortify international cooperation by meeting demands for the establishment of speedier and more appropriate protection for patents and other intellectual properties. Revisions to the law included: 1) revisions to patent-related charges, 2) an insertion of a refund system for examination request fees, 3) re-evaluations of reduced rates and exemptions to shared patent rights, 4) re-evaluations of related statutes for reduced rates and exemptions to patent fees, 5) integration of the systems for filing an opposition and invalidation through trial, 6) re-evaluation of requirements for the filing of invalidation trial requests, 7) exceptional allowances for admitting corrections to invalidation trial requests that change the substance of the original reason, 8) limitations to the term for requesting a corrections trial while the ruling for an invalidation suit is pending, 9) insertion of a system for requesting corrections upon/after the reversal of a ruling following an appeals suit, 10) insertion of a system for pursuing and constructing a statement of opinion within an appeal suit against an invalidation ruling, 11) re-evaluation of provisions determining unity of invention, and 12) simplification of international application procedures.

(14) Revision of Patent Law in 2004

In 2004 Japanese Patent Law was revised so as to handle the demand for speedier, more efficient patent protection given the growing need to rise towards fortifying international competitive power in the industrial field. Revisions to the law included: 1) re-evaluation of the system for designated evaluation authorities, 2) insertion of a system for particular terms given for registration examination, 3) the distribution of disclosed information through the internet, 4) reimbursement of patent fees for those using the prepayment system, and 5) the insertion of a patent

application system based on utility model registration, as well as a re-evaluation of employee invention provisions.

II. Design System

1. Adoption of Design Ordinance in 1889

(1) Background behind Adoption of the Design Ordinance

In order to industrialize the technical arts, the Meiji government promoted the production of craft-works by sponsoring various exhibitions and organizing common organizations while expanding educational facilities and taking other such measures to develop engineers. Within industry countless products poor in quality were being produced and imitated goods were almost freely distributed, making the adoption of a law to eliminate these kinds of wrong-doing necessary.

A note submitted to the Agriculture and Commerce Ministry explained the necessity for an adopted law as follows:

- ① To recognizing the proprietary right of creators who have created new ideas or inventions, to protect their rights to ensure the “security of intellectual property” and to develop public awareness are most essential in order to “promote industry.”
- ② Since large sums of money, time and ability are invested in creating designs, should rights be openly infringed upon the creation of a new designs would be naturally discouraged. Therefore, the “issuance of a governmental ordinance to eliminate imitators and protect creators” Was felt necessary.
- ③ Present industry is producing masses of products low in quality because of the absence of a law preventing imitations.
- ④ As the protection of designs increases in the private sector, there are industrial organizations set up with great achievements made.

(2) Contents of Design Ordinance

The Design Ordinance consisted of 29 sections and adopted the first-to-register principle, the principle of examination, the transfer of a design

rights, damages and compensation for design right infringements, and applied the Patent Ordinance *mutatis mutandis* with respect to trials, retrials, trial decisions, etc. The exclusive period (term) of a design right was set at four separate term lengths: three years, five years, seven years and 10 years.

2. Revision of Design Law in 1899

From the late 19th century to the early 20th century, industrialization was quickly spreading bringing with it successive new ideas from throughout Europe, that reached and affected Japan.

“Secession,” an artistic movement based on the application of straight typefaces was born in 1897 in Germany and Australia, and flowed into Japan together with art nouveau. Its presence strongly influenced Japanese industry with ideas which departed from conventional styles.

In 1907, the “German Work Federation” was organized, advocating forms matching progress in the development of machine technologies. Its success attracted international attention.

In tandem with this, Japanese artifacts, though evaluated, were accepted as established handicraft but did not match the dawn of a new era. A number of movements developing in other countries at the time stimulated newly-developing Japanese industries and strongly impacted the design industry. Apart from this, some goods being imported to other countries came to be imitated.

This situation required that design imitations and misappropriations be prevented and industrial property be protected on an international scale. What the Japanese government chose to do then was accede to the Paris Convention for the Protection of Industrial Property.

The revision of the Design Law in 1899 was made together with that of the Patent Law, etc. in order to allow Japan to become member to the Paris Convention. Included in that revision was a provision for the protection of similar designs with the term of their rights set at 10 years.

3. Revision of Design Law in 1909

The revision of the Design Law in 1909 was designed as a means to handle rapid developments in domestic and export industries and, because the 1899 revision was relatively provisional in nature, to make the law itself matured and complete.

As work in the field of industrial designs later become more dynamic, primarily in advertising used to boost market distribution as capitalism grew more sophisticated, it became practically necessary for individual companies to develop systematic products and sales promotion schemes.

In the western world, the development of mechanic production had become a social norm to an extent that, while some followed the spirit of Laskin and Morris who advocated the beauty of hand-made articles, many others started to recognize the significance of automated production and produce products better in quality with engineering technologies adopted with cooperation from management. Thus, the creation of simple aesthetic ideas was abandoned for the adoption of mass-produced goods.

In order to change people's sense of beauty so that mechanic industries in Japan would grow, it was necessary for Design Law to clarify which subjects would be protected in line with this development.

The Design Law revised in 1909 specifically: ① incorporated a provision calling for the right of a similar design to be integrated with the right of its principal design, ② adopted a secret design system, ③ limited the effects of design rights to items "commercially working," ④ adopted a provision allowing a retrial, and no more, with respect to complaints against an examiner's decision at a retrial with an appeal trial granted, and ⑤ admitted the continuation of the use of registered designs based on their earlier use.

4. Revision of Design Law in 1921

As economic prosperity in Japan was reflected in greater favor given towards aesthetically pleasing and new idea-based products, imitation of American and European styles became common at one point during World War I.

The period of this development is considered to be a time where economic influences shifted the technical arts from the creation of traditional artifacts to that of rational and industrial designs. The revision of the Design Law in 1921 took place at such a time.

With respect to relationships between articles and their shapes, the Design Law of 1921 adopted the expression “concerning” instead of “applicable” to make their relationship closer. Although the Patent Law revised in 1921 adopted an application publication system, the same system was not incorporated into the revised Design Law because design applications were believed to need a particularly speedy examination and design rights were believed to have less impact on public interests as compared to that of patents and other properties.

In 1933, a provision was added to set forth the publication of the Design Gazette and matters to be published therein.

5. Revision of Design Law in 1959

As design activities rapidly developed along with post-war industrial development in Japan, an increasing number of imitations and misappropriations of American and European designs were noted. In order to restore its war-torn industries, Japan shifted its aims from military applications to private consumption and raised productivity, thereby ultimately joining international economic competition as a strong exporting country. Following this development, exported Japanese goods often became subject to design imitation and misappropriation themselves internationally. For the Japanese economy, the growth of exports was an extremely important issue. Therefore, a commercial policy to cope with this problem was urgently needed so as to overcome this new stumbling block to trade.

Design Law remained unchanged for more than 30 years since it was revised in 1921 together with other industrial property-related laws. In this time it could no longer be applied to prevailing situations in many respects. Great economic and industrial changes were brought about in Japan during the war, and the system needed to be reviewed from an economic viewpoint. Thus, a great revision was

made to the Design Law in 1959.

The major points of the revision made to the Design Law in 1959 included:

- ① the integrity of an article with its shape was made clear by defining the relationship between an article and its shape as “of an article”;
- ② provisions were modified and made clear concerning requirements for the registration of a design (a provision was added to define the scope of novelty extending to an article known in other parts of the world and a provision added concerning the degree of ease to create a design);
- ③ a provision was added concerning exceptions to the loss of novelty of a design;
- ④ the class designation system was abolished with classes set for articles;
- ⑤ it was made clear that designs merely similar to a similar design were not registrable as a similar design;
- ⑥ it was stipulated that a design for combined articles was registrable as a single design (in connection with a provision recognizing designs for combined articles, it was made possible to divide a design application);
- ⑦ a provision concerning the conversion of a design application was adequately modified;
- ⑧ the term of a design right was extended from 10 years to 15 years;
- ⑨ it was expressly stipulated that a design right took effect upon registration of its establishment, and the owner of a trademark right was entitled to exclusive rights to commercially work registered designs or another design similar thereto;
- ⑩ A distinction between an exclusive right to use and a prohibiting right was abolished with an identical or similar design covered within the scope of an exclusive right of use; and
- ⑪ uses were set forth with respect to other parties’ registered designs or designs similar thereto, relationships of use of patents or utility model rights and relationships of infringement on another party’s patent, utility model right or

copyright.

6. Revision of Design Law in 1998

In order to get ahead in an era of extreme international competition, designs are a very important element in making products attractive and providing competitive power to a firm. In order to effectively meet the challenge of diversifying design development and adept imitations, it is crucial to provide incentive for the development of designs.

For these reasons, in order to effect stronger protection of designs covered by expansive and secure design rights, the following revisions were carried out: 1) protection for partial designs, 2) the expansion of creative abilities, 3) the exception of protection for applications which are similar or identical to a part of a prior application, 4) the exception of protection for designs based on only functional qualities, 5) the dissolution of the design system for sets of articles, 6) the handling of applications for confirming decisions of rejection against subsequent or prior applications, and 7) the end to the system for similar designs as well as the construction of a system for related designs.

III. Trademark System

1. Adoption of Trademark Ordinance in 1884

During the Meiji period, production, commerce and trade were quickly growing. At that time, increasing numbers of persons were using trademarks, which gave rise to the imitation of trademarks, and required the government to adopt an ordinance to protect trademark owners. It was such developments that inspired the Tokyo Chamber of Commercial Laws to make a decision calling for the adoption of a trademark ordinance in 1880. The Trademark Ordinance was adopted in 1884.

The Trademark Ordinance adopted in 1884 included the following:

- ① adoption of the first-to-register principle,
- ② obligation to attach a specification to a request,
- ③ definition of non-registrable marks, such as:
 - a. a mark identical with or confusingly similar to a registered trademark for the use of goods of the same kind,
 - b. common names such as geographical appellations and personal names or national or foreign flags,
 - c. a mark commonly or customarily used in the industry, and
 - d. A mark identical with or confusingly similar to a trademark having existed before the adoption of the Trademark Ordinance for the use of goods of the same kind, and
- ④ adoption of a single trademark-per-application system.

2. Revision of Trademark Law in 1888

Because the Trademark Ordinance of 1884 was in no way complete as far as in regard to examination and trial, it was revised in 1888, incorporating the following:

- ① it was stipulated that a trademark was “for indicating one’s own goods,” thereby clarifying its function to distinguish one’s goods from those of others,

and the primary part of a trademark needed to be particularly remarkable;

- ② a provision was added stating that examinations would be set forth only by examiners;
- ③ a provision was added setting a 20-year term on exclusive use of a trademark;
- ④ a provision was added to recognize the cancellation of a registered trademark rights due to non-use;
- ⑤ registered trademark invalidation was revised from ex officio invalidation to trial-based invalidation; and
- ⑥ infringement on the exclusive use of a registered trademark was made liable to the payment of damages.

3. Revision of Trademark Law in 1909

Along with the needs of the time, Trademark Law was revised in 1909.

The major points of the revision were as follows:

- ① In order to formulate the concept of a trademark, the owner of a trademark was defined as “a person using the trademark to indicate production, manufacture, processing, selection, certification, handling or sales of goods”,
- ② A limit on the use of colors was adopted,
- ③ As requirements for the registration of a trademark, it was stipulated that “a trademark shall be composed of characters, signs or their combination and especially remarkable,”
- ④ An associated trademark system was adopted, and
- ⑤ A provision was added to protect well-known trademarks.

4. Revision of Trademark Law in 1921

In light of growing needs for the expansion of trademark protection and security of trademark rights following the post-war business boom, Trademark Law was thoroughly revised together with the Patent, Utility Model and Design Laws.

The major points of the revision were as follows:

- ① The concept of similar goods was introduced (making it possible to protect a similar trademark with respect to identical goods and an identical or similar trademark with respect to similar goods, practically with the scope of trademark protection expanded),
- ② The meaning of a well-known mark was made clearer,
- ③ A collective trademark system was introduced,
- ④ Acts of infringement on trademarks were revised from offenses prosecutable upon complaint to offenses prosecutable without complaint,
- ⑤ Invalidation trials with respect to registered trademarks were improved,
- ⑥ It was stipulated that cancellation of registered trademarks due to non-use would be effected through trial, and
- ⑦ A notification of reasons for refusal was introduced.

5. Revision of Trademark Law in 1959

In order to cope with Japanese economic development in the post-war era, the Industrial Property Study Council studied a thorough revision of the Japanese industrial property-related law system as a whole. In regard to Trademark Law some wanted to revise regulations based on the conventional principle of registration from a viewpoint of use, while others wanted to reinforce the principle of registration in order to prevent practical confusion.

However, Trademark Law was revised in 1959, incorporating the following:

- ① Adoption of an objective section and a definition section,
- ② Exemplification of a function to distinguish goods as required for the registration of a trademark,
- ③ The term of a trademark right was shortened from 20 years to 10 years, with its free transfer recognized,
- ④ A defensive mark system was adopted,
- ⑤ The collective trademark system was abolished,
- ⑥ A judgment system was introduced to judge the effects of a trademark right,

and

- ⑦ A system was introduced for licensing a right to use with respect to a registered trademark.

6. Revision of Trademark Law in 1975

With the numbers of trademark applications and pending trademark applications rapidly increasing after the revision of Trademark Law in 1959, some measures needed to be taken to ensure the continuing smooth operation of the trademark system. In order for Japan to accede to the Trademark Registration Treaty concluded in June 1973, which created an international trademark registration system, it was crucial that the processing of trademark applications be shortened in time. Therefore, the trademark system had to be reviewed from its foundation up for the sake of international cooperation. Against this background, the Trademark Law was revised in 1975.

The major points of the revision were as follows:

- ① the revision of a provision concerning the registration of renewed terms for registered trademark rights,
- ② the revision of a provision concerning trials for cancellation of registered trademark rights due to non-use, and
- ③ the revision of a regulation under Trademark Law concerning the indication of the business of an applicant.

7. Revision of Trademark Law in 1991

In February 1990, Japan acceded to the Nice Agreement, an international treaty established to adopt a common classification of goods and services (International Classification) among its signatory countries. So that a system to register service marks may be adopted in line with the Nice Agreement, the Trademark Law was revised in 1991.

The major points of the revision were as follows:

- ① the introduction of a system to register service marks,
- ② the adoption of International Classification, and
- ③ the extension of the time limit for applications for registration of term renewals for registered trademark rights until the final date of the registered trademark's term.

8. Revision of Trademark Law in 1996

In 1994, the Trademark Law Treaty was concluded to simplify trademark application-related procedures and harmonize national trademark systems varying from one country to another. Domestically, an increase in the accumulation of trademarks not in use was an intensifying problem and the speedy grant of trademark rights was becoming increasingly necessary. In order to cope with recent environmental changes of great significance at home and abroad as described above, the Trademark Law was revised in 1996.

The major points of the revision were as follows:

- ① Revisions to Trademark Law made for Correspondence to the Trademark Law Treaty
 - a) The acceptance of one application covering multiple classes
 - b) Simplification of information required in application forms and requests
 - c) The abolishment of checks on the use and execution of registered trademarks at the time applications for renewal are filed
 - Abolishment of the term renewal application system and insertion of a system for renewal procedures
 - Trials for invalidation of registered trademarks based on items non-registrable due to consideration of public welfare
 - d) Termination of the obligation to have the assignment of trademark rights disclosed within daily newspapers
 - e) Simplification of processes involving proxies filed

- Termination of the conditional requirements for third party opposition to registration of an appointed trademark administrator
 - Limitations to the range of proxy rights held by a trademark administrator
 - Revisions based on the practice of proxy rights extending after registration
- f) Termination of rejections and non-acceptance of applications where a chance for the applicant to make a statement is not given
- The provision of pre-rejection notification and rejection due to illegitimate procedures
 - Orders for amendments and procedural rejections, and
 - Recognition and supplementation of application filing dates for trademark registration
- g) Allowances for renewal procedures to be initiated within 6 months past the expiration of a trademark's term
- h) Allowances for the division of a trademark right and an established limit to the time allowed for separation of an application
- i) Revisions allowing for signatory countries to the Trademark Law Treaty to be treated on par with member countries to the Paris Convention
- Protection of insignias, logos, and seals, by the Trademark Law Treaty
 - Protection of trademarks used in displays at international expositions held in Trademark Law Treaty signatory countries
 - Allowances for insistence on Paris Convention priority rights for citizens to Trademark Law Treaty signatory countries
 - Allowances for cancellation requests in regard to unauthorized registrations by proxy to the trademark right holder in Trademark Law Treaty signatory countries

② Measures Taken in Regard to Unused Trademarks

- a) Improvements in the examination system for cancellation due to non-use

- Modification of claimant eligibility, Preventative measures against sudden use, Retroactive cancellation
- b) Insertion of an installment payment system for registration fees
- Installment payment system for registration fees
 - Fortification of a sliding scale for registration fees
- c) Termination of the system for associated trademarks
- Termination of the system for associated trademarks
 - Installment payment system for registration fees
- (Expansion of the range recognized for valid for registered trademark use, Limits to the effects of trademark rights)
- Allowances for partial transfers of similar and identical trademarks
- ③ Securing Early Grants to Rights
- a) Insertion of a system for raising objections to a trademark after it has been granted rights
- b) Notification of rejection based on the existence of an earlier unregistered trademark
- c) Expansion of the range recognized for valid for registered trademark use
- d) Insertion of a system for standard lettering
- ④ The Protection of Famous and Other Trademarks
- a) Exclusion of applications for a famous trademark based on unfair purposes
- b) Treatment for the system of defensive marks (Changes to an application, Term for continued rights, Renewal registration, Registration Fees, Contingency of rights)
- c) Exclusion of requests for invalidation trials based on violations to Article 1 or Article 15 of Trademark Law

⑤ Other

- a) Insertion of a system for 3-D trademarks (Definition, Conditions for Registration, Application, Limits to efficacy, Alignments to patent and other rights)
- b) Insertion of a system for collective marks (Conditions, Changes to applications, Transfers, Rights of individual members to the collective)
- c) Increased culpability of legal persons involved in trademark rights infringement
- d) Insertion of a system for cash payment of registration fees disbursed in installments
- e) Insertion of a system for altering designated products

9. Revision of Trademark Law in 1999

In order to protect business trust acquired through use of a trademark during the period from when a trademark application is filed until its registration, revisions were made to: 1) a system for the right to request financial recompense in regard to a trademark prior to its registration, and 2) a system to evaluate insertion of disclosure of trademark registration applications. In addition, systematic revisions were made so as to qualify for entry to the Madrid Protocol, an international registration system for trademarks ensuring their speedy and simple accession to trademark rights in other countries, upon its coming into effect.

10. Revision of Trademark Law in 2002

In order to construct a patent system capable of meeting the needs of an increasingly networked society based on growing importance of the promotion of further international harmonization and the establishment of a trademark system fixed for the particular characteristics of cyber space, in the 2002 revision of Trademark Law revisions to: 1) clarification of acts equivalent to trademark use, and 2) amendments to the system for installed payments for individual processing fees incurred over an international trademark registration application.

IV. The Origin of Patent Systems and Characteristic Patent Laws in the World

1. The Origin of Patent Systems

700 years ago in the European Continent, the right to exclusively use an invention was granted for fixed periods of time to inventors. (It is said that a patent granted in 1236 for woven fabrics with multicolored patterns was the first patent in the world.) On account of the fact that no records exist for the next 200 years, there is no way to ascertain whether or not any patents were granted, but the fact that patents were granted in and after 1421 can be proven again on the basis of visible records.

However, even these patents were not necessarily granted out of the foresight of kings or politicians who had adopted an established system. Rather, in those days, persons in charge of national administration granted privileges as rewards or as bounty. Patent rights themselves merely existed, so to speak, as one element within a mix of such various privileges. Nevertheless, the number of patent rights gradually increased thereafter, as events took their natural course, and, as a result, a trend towards the grant of patent rights developed far enough so as to merit systematization.

The first state to adopt a patent system for an invention in the form of public order is Venice (Venezia). Although the establishment of this patent system was evident since a fairly large number of patents were recorded as existing from the middle of the 15th century through the 16th century, the system was thereafter discontinued. In about the middle of the 16th century, however, this system was adopted again by England. Thereafter, the English patent system was established, and, since then, many other countries have successively adopted this system within their own way to present day.

2. England

(1) Until the Establishment of the First Patent Act

It seems that, most likely, England had heard of Venice's patent system and introduced a similar one of its own; however, before introducing the said system, England had had its own special closely related one. The reason that the said system was introduced was that, in the time of Edward II (1307 – 1327) and Edward III (1327 – 1377), England lagged far behind other European countries in industry and in order to promote its industry, adoption of a patent system was necessary as a means to protect and encourage the entry of European technicians.

In England, at that time, non-citizens were not permitted to engage in business in English territory due to guild laws. Therefore, the King exercised his power to grant the privilege of the Letters Patents to non-English industrial engineers so that development could be safely and freely engaged in English business.

More specifically, privileges were granted by the issuance of Open Letters, or Letters Patents, each bearing the King's seal (the word Patent used at present originates therefrom). Open Letters were given not only to certain limited individuals but generally to all persons, and the content therein was also arranged so that everyone could read it. Open Letters and Letters Patent were open (patent). Another form of the patent was Letters Close, given to individuals directly and not publicly read-able unless unsealed.

The abovementioned examples are, of course, different from the current context for patent use; however, as patents were granted thereafter in the form of privileges, and the number of such cases was gradually increased.

On the other hand, during the reign of Queen Elizabeth (1558 – 1603), persons improperly using the system appeared, and the royal household was at times deceived by false applications into granting patents. Further, patents were being granted even for already-known prior arts as a reward to court favorites attending on the Queen or to bring about a source of the income to the royal household.

This resulted in severe criticism by the public, and ultimately culminated in

a protest by members of the House of Commons in 1601. In order to pacify their protest, the Queen delivered a speech declaring that notably unqualified patents would be invalidated and that the public could from there on receive compensation against unjust enforcement of a right by putting a case on trial at any time.

Thereafter, James I (1603 – 1625) made public in 1610 the “Book of Bounty” which resounded the significance of Queen Elizabeth’s declaration. Further, the gist of the book was put in statutory form as the “Statute of Monopolies” in 1624.

(2) Statute of Monopolies

The Statute of Monopolies forms a base for the codified Patent Act, which has been continuously enforced to the present. While the Statute is simple and concise, its basic view of the patent system is clarified.

That is:

- ① A patent shall be granted to and the actual, first inventor (patentability),
- ② A patentee may exclusively produce or utilize the product or process, related to the invention, in the domestic market (effects of patent right),
- ③ A patent shall not be deemed against the law or useless to the country by bringing about rises in commodities prices or hampering transactions (public interests of patent), and
- ④ The term of a patent right shall not exceed 14 years (finiteness of term of patent right).

The year England established the Patent Act, 1624, just may be one of the most important years in modern times. This is because many inventions, which played a part in the Industrial Revolution, were being made and protected, allowing technology in England to be built up very rapidly and, so to speak, vertically on the foundation of old culture.

The Statute of Monopolies was revised to a large extent in 1852, whereby procedures for obtaining a patent were simplified, and it became possible for all

procedures to be processed and managed by one government office. Further, a system was established, in which the content of an invention was officially published before a patent right was granted, and any party opposed to the grant of a patent could file an opposition within a fixed period of time. Thereafter, this system followed the German Patent Act and was changed over to a system in which examination was carried out prior to publication.

The English Patent Act was a predecessor to laws in various colonial lands of England (Australia, Ireland, India, Sri Lanka (Ceylon) and New Zealand) for a long period of time.

(3) Old Patent Act (Act of 1949)

Characteristic systems in the old English Patent Act (enforced January 1, 1950 to December 31, 1977) are as follows:

Provisional Specification System: In this system the filing date of an application can be recognized upon submission of a provisional specification, before the submission of a complete specification. The complete specification functions as the formal statement for specifying an invention and as a means for its working thereof via the scope of the patent claims. However, in the case of provisional specifications, it is sufficient to simply describe only the content of the invention. At the time an application is filed, the applicant must attach one of either the complete specification or the provisional specification to the application, and, when the provisional specification is attached, the applicant must submit the complete specification within the following 12 months.

Endorsement System for Licensing: In this system endorsement is defined as the fact that “a license will be granted to any party who desires to work the relative invention” over the Letters Patent on the basis of a request made by the patentee. In the case of endorsement, the patentee need only pay half the amount of ordinary patent fees. On the other hand, however, where no agreement on licensing fees or other terms or conditions of the license is reached between the patentee and the party desiring licensing, the patentee must follow conditions

decided by the head of the patent office.

The Compulsory License System for Medicinal and Other Inventions: With regard to patents granted for inventions relating to foodstuffs, medicine, production methods thereof, surgical and curative devices and the like, the head of the patent office may order at any time when interested parties apply for a compulsory license that the proper license should be granted to the applicant, unless any sufficient grounds for refusal exist. This system keeps tight restrictions on patent rights.

(4) Current Patent Act (Act of 1977)

The 1949 Patent Act, which had been in force for nearly 30 years, was revised in August 1977 (taking effect on June 1, 1978). The object of the revision was to make adjustments to the European Patent Convention, to which England had acceded. For this purpose, England adopted a number of systems such as that for disclosing patent applications, search reports and requests for examination - all characteristic of the Convention - in the revised Patent Act. Incidentally, the three systems aforementioned still continue to exist within the present Patent Act (in the revised Patent Act, however, the appellations for the complete specification and provisional specification in the Provisional Specification System were put into disuse, and, in the Compulsory License System for Inventions of Medicine, Foodstuffs and the Like, restrictions are limited only to medicine). On the other hand, the system for filing oppositions to the grant of patents and systems for additional patents have been abolished.

Further, the revised Patent Act makes several provisions necessary for observing the Patent Cooperation Treaty, which England was preparing to accede to at that time.

3. France

Even in France, as in England., privileges were being arbitrarily granted as well, thus causing many problems during an era of monarchy. Consequently, the public

clamored for necessity of provisions to frame the basis for the granting of a patent, and, in 1762 King Louis XV made a declaration of his own on patents.

After entering the age of the French Revolution, the National Parliament established the Patent Act in 1791 to meet the ardent demands of inventors. This was the first Patent Act established in France. Later, the Patent Act was wholly revised in 1844, though basically not differing from the Act of 1791, and that Act lasted about 120 years without any great revisions.

The Patent Act in France acted as a predecessor to laws in Spain, Portugal, Belgium and Luxemburg, and also had great influence on patent laws in Greece, Turkey, Latin-American countries and developing countries once colonies to France.

The most conspicuous characteristic of the French Patent Act may be that only the formality examination was required, and not an examination to determine whether an invention is patentable or not, namely, the non-examination system was adopted.

However, the non-examination system gradually became more and more undesirable as technical competition grew more intense. The next wholly revised Patent Act, which introduced procedures for an examination system, or search and opinion notice system, was promulgated and has been in force since January 1, 1969.

It is worthy to note that the existing Patent Act also adopts a system for certificates of utility (*certificats d'utilite*), in which rights are granted without a system for examination, in the entirely same way as the conventional Patent Act. Further, the system for disclosing patent applications, adopted by the Netherlands, West Germany, and four countries in northern Europe, among others, has been introduced into the existing Patent Act.

In 1978, France made a partial amendment to the existing Patent Act (July 13, 1978) while taking one step further towards making adjustments to the European Patent Convention, thereby substantially achieving expansion and efficiency in examination system procedures.

4. The United States of America

(1) The Patent Act in the Colonial Era

In England's colonies in North America, British laws were enforced. Accordingly, the early American colonies had no patent acts of their own. Moreover, according to the colonial policy of the British Government, the development of industry in the colonial territories was being held back despite the existence of the British Patent Act.

(2) Patent Act after Independence

In 1776, the colonies declared their independence from England and wished to establish an independent and well-organized patent system, and in the Constitution (1787) following national unification it was stated that "Congress shall have the power to promote the progress of science and useful arts, by securing exclusive rights for authors and inventors over limited periods of time in regard to their respective writings and discoveries" (Chapter 1, Article 8). On the basis of the above Constitutional Provision, the first U.S. Patent Act was established in 1790. The provisions themselves in this Patent Act were generally similar to those stipulated in the British Patent Act; however, patent applications were examined by the Committee consisting of three high-officials including the Secretary of State, and conditions for meeting patentability were also severe.

Thereafter, the Patent Act was often amended according to experiences gained through the enforcement of the said Act. The fact that the examination system was abolished so soon in 1793 in favor of the non-examination system and that, after 43 years, the Patent Act of 1836 adopted once again the examination system and, simultaneously, the establishment of an independent government patent office for carrying out examinations is noteworthy as a course of amendments. Thus the basis of the present Patent Act in the United States was formed.

Since then, the aforementioned examination system has been adopted by many other countries.

(3) Current Patent Act

The current U.S. Patent Act was established in 1952 and partially revised in 1975, 1980, 1984, 1995, and 1999. The current U.S. Patent Act has the following two characteristics:

(a) First Inventor Patent Principle (First-to-invent principle)

The first inventor patent principle (generally, called the first-to-invent principle) states that, in the case two or more applications exist for the same invention, a patent is granted to the first inventor.

However, since its accommodation is often met with some difficulty, there is a trend towards employing the first applicant patent principle (generally, called the first-to-file principle), which has been adopted in many countries. However, present circumstances in the U.S. do not favor a switch.

(b) The U.S. Patent Act long had no system for publishing inventions prior to the grant of a patent, but on November 29th, 1999, owing to a revision of Patent Law, systems for both disclosing and publishing applications were adopted.

5. The Federal Republic of Germany

(1) Patent Act before the Formation of the German Empire

In Germany, many small states were set up independently before the German Empire (January 1871) was formed along with its own patent acts. As a result, the number of patent acts grew to be as great as 25 acts at one time.

Accordingly, the export and import of products were very inconvenient, and demands for unification of patent acts in each state became voiced in industrial circles. As a result, an agreement on patent acts in each state was reached (1842) on the basis of the Customs Union organized in 1833. However, even this Agreement was still far from a start to the establishment of a completely unified patent act, and serious movement within industrial circles continued with an aim to reach their objective. On the other hand, anti-patent thought came out predominantly on the basis of a free trade theory which had been advocated

extensively since 1850, and, on this account, movements in the industrial circles were ultimately not successful.

(2) Patent Acts after Establishment of the German Empire

Later, when the German Empire was established, it was recognized that a patent system would eventually contribute to the development of industry, and a provision to the effect that the Empire should reserve legislative power relating to patents for inventions was provided for in the 1871 Constitution. On the basis of this provision, the German Patent Act was established in 1877, whereupon the problem of unifying patent acts, long pending in Germany, was settled at length. This Patent Act may be characterized by the fact that the Examination and Publication System was adopted for the first time in the world, primarily in order to increase the reliance of patents.

The German Patent Act became a predecessor to law of in various north-European countries such as Norway, Sweden, Finland and Denmark, as well as in the Netherlands, Austria and the like. The current Patent Law in Japan is also in accord with the German Patent Act in many respects.

In order to protect small inventions, Germany established the Utility Models Act in 1891, the first in the world, as a link in the chain of the patent system. This Act drew attention from several countries and was later adopted in Italy, Spain, Portugal, and Japan, among others.

(3) Patent Acts in West Germany

During the four year period from 1945 through 1949 after World War II, West Germany was obliged to suspend patent administration. In order to cope with this abnormal situation, West Germany promulgated and enforced the Primary Temporary Measures Law in 1949, though it was abrogated later (1951).

Later in 1961, West Germany abolished the patent trial system and, in its place, established the new Federal Patent Court (Bundespatent-gericht) System. Judges from technical backgrounds were assigned, and hearings and rulings rendered by

the Patent Court were made virtually final and conclusive. By doing so, the settlement of patent litigations, once requiring a long period of time, was expedited and rationalized; therefore it was a very noteworthy system.

Even later in 1967, West Germany adopted the provisional publication system, which outlined requests for examination and the chemical substance patent system, which had been long argued over. It also partially revised the Patent Act in 1976 (enforced on January 2, 1978) to make adjustments to the European Patent Convention and comply with the practice of the Patent Cooperation Treaty.

Further, in order to make the abovementioned adjustments complete, West Germany revised the Patent Act in July 1979 (enforced on January 1, 1981).

(4) The German Patent Act after Unification

After the unification of West and East Germany on October 3, 1990, the Patent Act in West Germany has been made valid in the territories of former East Germany.

6. The Russian Federation (the former U.S.S.R.)

(1) Change of Patent Law in Russia (the former U.S.S.R.)

With the dissolution of the former U.S.S.R., the Commonwealth of Independent States (CIS) was founded. The U.S.S.R., while existent, had adopted a patent system similar to those found in capitalistic countries, and Russia succeeded the said patent system.

The first Patent Law in the former U.S.S.R. was established in 1919, and it was distinctive in view of the fact that it stipulated that all the inventions should belong to the State. Later, however, with the adoption of a policy of admitting private industrial activities according to the New Economic Policy, the U.S.S.R. revised the Patent Law in 1924. This revised version was, however, the same in principle as patent laws in other capitalistic countries of those days, and, since it was particularly modeled after the German Patent Act, the revised Law bore a

close resemblance. However, it subsequently became evident that the revised Patent Law did not actually match economic conditions in the U.S.S.R. Criticism was voiced stating that the conventional New Economic Policy which was relatively ineffective should be abolished and, instead, communist thought should be thoroughly diffused. Under such circumstances, the government made a drastic revision to the Patent Law, and, as a result, the revised Patent Law (under the formal name “The Statute on Completion of Invention and Technology”) was established on April 9, 1931. The fact that a unique system, the Inventor’s Certificates System, which was the first of its kind in the world, was formulated and, moreover, allowed to coexist with the ordinary patent system. The Statute was revised thereafter in 1941, 1959, 1973 and 1978; however the revised Statute was not fundamentally different from the one mentioned above (the formal name is the “Statute on Discoveries, Inventions and Rationalization Proposals).

Later, in 1991, the Inventor’s Certificates System, which had been continued over the prior 60 years, was abolished and a capitalist-modeled patent system was adopted for the reason that, owing to conventional Patent Law: ① benefits for individual inventors were insufficient, and ② the introduction of technology from capitalistic countries was not active.

(2) Characteristics of Conventional Patent Law

(a) Inventor’s Certificates System

The most conspicuous characteristic of Patent Law in the U.S.S.R. was the Inventor’s Certificates System provided in addition to the ordinary patent system.

The Inventor’s Certificates System did not grant exclusive rights to inventors and, in this respect, was different from ordinary patent systems. This system was such that a patent right originally entitled to the inventor was assigned to the State, so that the State held the right to exclusively work the invention. It also granted the right to receive remuneration to the inventor

as compensation for assigning a right. This resembled the relationship between the State and creator's of employee inventions while in public service under the patent system, and, in this sense, it could be said that the Inventor's Certificate System was a modification of the patent system.

The Inventor's Certificate was provided to an inventor, in the same manner as a patent, after the application filed with the Government (The State Committee for Inventions and Discoveries of the U.S.S.R. Council of Ministers) was examined and approved (former Article 23).

The State held the right to work inventions subject to Inventor's Certificates. At the same time, law regulated that the State had to take the appropriate (sufficient and opportune) working of an invention into consideration.

When the State or related parties worked an invention, the inventor had a right to receive remuneration (former Article 108), among other privileges granted. The amount of remuneration was set on the basis of a year's savings yielded by the working of the invention.

(b) Patent System

An ordinary patent system was also outlined in Patent Law in the U.S.S.R., together with inventor's certificates system. More particularly, the inventor could freely select either the patent or the inventor's certificate (former Article 23). Further, effective patents could be changed to Inventor's Certificates by way of an application submitted by either the inventor or the patent right holder, or by way of a joint application submitted by both (former Article 32).

Although both systems coexisted with each other in the aforementioned relationship, the Inventor's Certificates System was important for the people of the U.S.S.R. and the ordinary patent system actually played only a secondary role.

(c) Discoverer's Certificates and Author's Certificates

In addition to the Inventor's Certificates, Discoverer's Certificates and

Author's Certificates were included in Patent Law in the U.S.S.R.. These Certificates were issued in order to protect and encourage discoveries and proposals relating to science and technology. Provisions similar to those for Inventor's Certificates were made for each.

After the inventor's certificates system was adopted in Patent Law in the U.S.S.R., communist countries such as Czechoslovakia, Poland, Romania, Hungary, the former Yugoslavia, Bulgaria, the former East Germany and China followed. Later, however, Hungary, the former Yugoslavia and China all abolished the inventor's certificates system, while remaining countries abolished it after the former U.S.S.R. announced in December 1988 a draft revision to clarify its intent to abolish the inventor's certificates system,.

(3) Revised Patent Law

The State Committee for Inventions and Discoveries of the U.S.S.R. Council of Ministers announced in April 1990 its plan to daringly revise the invention encouragement system, or the patent system. It then established the Invention Law on May 31, 1991 (enforced on July 1, 1991).

The main points of this Law are as follows:

- ① Out of the conventional dual systems for each of the inventor's certificates and patents, the inventor's certificates system was abolished, and only the patent system shall be adopted.
- ② Chemical substances and medicines themselves are treated as subject to patents.
- ③ Patent rights shall be effective for 20 years from the filing date of an application.
- ④ The content of the application shall be disclosed after the 18 months has passed from the filing date.
- ⑤ The system for examination requests was adopted.
- ⑥ The system for the filing of oppositions before the grant of a patent was adopted.

It can be said that, in the respects mentioned above, the content of the revised Patent Law is similar to that of patent laws in European countries, or to that of Patent Law in Japan, rather than the U.S.'s. In any case, one may note with regard that the revised Patent Law in Russia shows remarkable progress towards international harmonization of patent systems.

As the U.S.S.R. was dissolved in December 1991, and its Patent and other laws were revised in the following year of 1992, approved bills regulated that: The examination principle be adopted; Computer algorithms are patentable; Distribution of products produced on the basis of a process patent is included in the definition of infringement; etc.

- ① The Russian Federation Patent Court was established as an appellate court for appeals in the case of an applicant's dissatisfaction with a decision passed by the Board of Appeals. Decisions by the Patent Court are final and conclusive.
- ② The Patent Office (the Committee for Patents and Trademarks of the Ministry of Science and Technology Policy of the Russian Federation; called briefly "Rospatent") was recently established.
- ③ The U.S.S.R. Patent Office, Gospatent, ceased to be active and was dissolved on February 1, 1992. Incidentally, the Russian Federation took over all rights and duties (including the financial shares) formerly held by the U.S.S.R. in the Paris Convention, the International Cooperation Treaty, the Strasbourg Agreement concerning the International Patent Classification, and the Budapest Treaty, among others.

7. People's Republic of China

China established its Patent Office in January 1980 in order to prepare for the introduction of a patent system, and it promulgated its Patent Law on March 12, 1984, enforcing it on April 1, 1985.

The outline of Patent Law is as follows:

(1) Application and examination procedures

- ① First-to-file principle
- ② System of application disclosure (after 18 months has passed from the filing date or earlier upon the applicant's request)
- ③ System of examination requests (within three years from the filing date)
- ④ Systems of publishing examined applications and filing oppositions to the grant of a patent

(2) Patentability and the like

- ① Requirements for a patent - novelty, inventive step and applicability in industry
- ② Unpatentable items
 - (a) Scientific discoveries
 - (b) Rules and methods for mental activities
 - (c) Methods for the diagnosis or treatment of diseases
 - (d) Food, beverages and flavorings
 - (e) Pharmaceutical products and substances obtained by means of chemical processes
 - (f) Plant and animal varieties
 - (g) Substances obtained by means of nuclear transformation

(3) Application right

The application right belongs to a natural or legal person (provided that, with regard to employee inventions, the application right belongs to the legal person (including non-Chinese enterprises, or Chinese/non-Chinese joint venture enterprises)).

(4) Patent right

- ① Assignable exclusive rights (the right to demand an injunction, and compensation for damages, is approved)

- ② 20 year duration of a patent right from the filing date

(5) Obligation of patentee

- ① A patentee or another party authorized by the patentee is obligated to manufacture a patented product or use a patented method. If, without any legitimate reason, this obligation is not performed within 3 years from when the patent was granted, the patent will become subject to the grant of compulsory licenses.
- ② Payment of patent fees.

(6) Utility Models and Designs

- ① Utility models and designs provided for within the frame of Patent Law
- ② Applications for utility models and designs are registered following an initial examination. Requests for registration invalidation may be filed within the first six months from public disclosure.
- ③ 10 year duration of rights from the filing date

(7) Non-citizens:

Since accession to the Paris Convention became effective in China on March 19, 1985, the principle of equality for citizens and non-citizens alike are applied, and their utilization of the priority system has become possible.

APPENDIX

Brief History of Industrial Property System and Typical Invention

1624	U.K., Statute of Monopoly	1597	Air thermometer, Galilee (Italy)
		1657	Pendulum clock, Huygens (the Netherlands)
		1668	Reflecting telescope, Newton (U.K.)
		1752	Lighting conductor, Franklin (U.S.A.)
		1765	Steam engine (divided condenser), Watt (U.K.)
		1767	Power spinning machine, Arkwright (U.K.)
1790	U.S.A., Federal Patent Act		
1791	France, Patent Law		
		1800	Volta's cell, Volta (Italy)

		1807	Steamship, Fulton (U.S.A.)
1815	Prussia, Patent Law		
		1816	Locomotive, Stevenson (U.K.)
1836	U.S.A., Extensive revision of Patent Act		
		1837	Telegraph with recorder, Morse (U.S.A.)
		1838	Daguerreotype, Daguerre (France)
1844	France, Modern Patent Act		
		1851	Sewing machine with cloth moving device, Singer (U.S.A.)
1852	U.K., Modern Patent Act		
1864	Italy, Patent Law		
		1867	Dynamite, Nobel (Sweden)
1871	Japan, Provisional Regulations for Monopoly		
		1873	Electric motor, Gramme (Belgium)

1877	Germany, Unified Patent Act	1876	Telephone, Bell (U.S.A.)
		1879	Incandescent lamp using carbon filament, Edison (U.S.A.)
		1880	Two-cycle gasoline internal combustion engine, Clarke (U.K.)
1883	The Paris Convention		
1884	Japan, Trademark Ordinance		
1885	Japan, Patent Monopoly Ordinance		
		1887	Flat phonograph, Edison (U.S.A.)
1888	Japan, Design Ordinance		
1891	Germany, Utility Model Act		
		1893	Diesel engine, Diesel (Germany)
		1895	Wireless Communication method, Marconi (Italy)

1896	Russia, Patent Law		
1899	Japan, Accession to the Paris Convention		
1905	Japan, Utility Model Law		
1917	U.S.S.R., Patent Law		
1921	Japan, Revision of Patent Law, etc.		
		1928	Penicillin, Fleming (U.K.)
		1929	Jet engine, Whittle (U.K.)
1934	Japan, Unfair Competition Prevention Law		
		1935	Nylon, Carothers (U.S.A.)
		1939	Vinylon, Ichiro Sakurada (Japan)
		1942	Streptomycin, Waksman (U.S.A.)
		1950	Polyester, Winfield (U.K.)

		1952	TTL photometry, Saiji Kokubo (Japan)
		1957	Esaki diode Reina Esaki (Japan)
1959	Japan, Revision of Patent Law, etc.		
1967	Establishment of the World Intellectual Property Organization		
1970	Japan, Revision of Patent Law, etc.		
1973	The European Patent Convention		
1975	Japan, Accession to the World Intellectual Organization Convention		
1978	Japan, Accession to the Strasbourg Agreement Japan, Accession to the Patent Cooperation Treaty		
1980	Japan, Accession to the Budapest Treaty		

1985	Japan, Revision of Patent Law, etc.		
1988	Japan, Revision of Patent Law, etc.		Robot with visual sense
1990	Japan, Acceptance of electric applications		
1992	Japan, Service mark Registration System		Ultra high-speed
1994	Japan, Revision of Patent Law, etc.		computer
1995	Establishment of the World Trade Organization		Interferon
1996	Japan, Revision of Patent Law, etc.		
1997	Japan, Accession to the Trademark Law Treaty		
2000	Japan, Entry into the Madrid Protocol		
2002	Japan, Enactment of the Basic Law on Intellectual Property		
2003	Japan, Revision of Patent Law, etc.		
2004	Japan, Revision of Patent Law, etc.		